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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,198	09/29/1999	RANDALL M. CHUNG	97RSS467	3740

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EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/408,198

Applicant(s)

CHUNG, RANDALL M.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-14,16-18,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 18,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The petition to revive having been granted on 6/29/05, an Office action on the merits follows. The amendment filed 5/13/05 has been fully considered.

2. The disclosure is objected to because of the following informalities:

page 9, line 3, it appears that a quotation mark should be added after "modulation";
page 9, lines 10 and 12, it appears that "access" (one occurrence on each line) should be -axis--;
page 11, line 8, it appears that "IrLA" should be --IrLAP--;
page 14, line 6, it appears that "(GRC)" should be --(PGC)--;
page 14, line 9, it appears that "514" should be --517--; and
page 16, lines 5-6, it appears that the occurrences of "horizontally" and "vertically" should be reversed, see Fig. 4B.

Appropriate correction is required.

3. The text of those sections of Title 35; U.S. Code not included in this action can be found in a prior Office action.

4. Claims 4-8, 14, 16-18 and 21-22 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 4, "predetermined" is misspelled.

Claim 14, the "and" which appears at the end of line 5 should instead appear at the end of line 6.

Claim 14, next-to-last line, before "pulse" should be inserted --a--.

Claim 18, line 4, "photo-sensor" should be --photo-sensors--.

Claim 18, last line, before "pulse" should be inserted --a--.

Claim 22, line 2, "operating within a signaling rate" is vaguely worded; perhaps after "rate" should be inserted a word such as --range--.

Art Unit: 2632

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the end of claim 1, "at least one of a predetermined pulse width and frequency thresholds" is vaguely worded, i.e. it is unclear if there are multiple predetermined thresholds pertaining to a single parameter (where "pulse width and frequency" is construed as a single, combined, parameter), or single predetermined thresholds pertaining to different parameters ("pulse width" and "pulse frequency", respectively).

7. Claims 14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Eastmond et al (US 5355242).

Regarding claim 14, Eastmond et al shows a wireless infrared receiver (100,101) employing an array of photosensors ("photodiodes"--col. 2, lines 24-26) for detecting infrared signals within a "solid angle" (or "acceptance angle", note Figs. 2A-2B and col. 3, line 43). Regarding the "outputting" step added to claim 14, the signals output to the limiting stage 108 are "binary encoded data signals" (see e.g. col. 2, last 3 lines, and col. 3, lines 23-24), i.e. "pulse"-type signals, and the various signal filtering or frequency limiting carried out by Eastmond et al (note elements 102, 103, 111 and 113 in Fig. 1, and col. 2, line 63 to col. 3, line 40) inherently define a "pulse frequency threshold" as claimed.

Regarding claims 16-17, Eastmond et al shows a lens assembly (200,201) with an "imperfect focus" (note Figs. 2A-2B).

8. Claims 1-8, 10-13, 18 and 21-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Applicant's arguments filed 5/13/05 have been fully considered but they are not persuasive.

Regarding applicant's comment about Eastmond et al failing to teach that each photo-sensor in the array(s) (100,101) detects infrared signals "within a predetermined portion of the solid angle" (e.g. at line 5 of claim 14), it is considered that each individual photosensor inherently detects infrared signals "within a predetermined portion" of the overall sensing area (as depicted in Figs. 2A-2 and 2B-2 of Eastmond et al), i.e. each individual photosensor inherently detects incoming signals over at least a "portion" of the sensing area (also, note that "a predetermined portion" of an area can mean all of the area).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brienza et al (US 3987297) is cited to further show the state of the art.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

Art Unit: 2632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632